



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,136	03/24/2004	Dan Scott Johnson	200207099-1	5259
22879 7590 07/22/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528			EXAMINER ZHONG, JUN FFI	
			ART UNIT 2426	PAPER NUMBER
			NOTIFICATION DATE 07/22/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

Office Action Summary

Application No.

10/808,136

Applicant(s)

JOHNSON, DAN SCOTT

Examiner

JUN FEI ZHONG

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-12, 14-17, 19, 21-28 and 34-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 9-12, 14-17, 19, 21-28 and 34-39 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Proficiency's Patent Drawing Review (PTO-544)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 5/3/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Status of Claims

2. Claims 1-6, 9-12, 14-17, 19, 21-28 and 34-39 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2426

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 3-6, 9-12, 15-17, 21-25, 34-39 are rejected under 35

U.S.C. 103(a) as being unpatentable over Farrand (Pub # US 20030193619) in view of Kanda (Pub # US 2001/0041049), further in view of Corvin et al. (Pub # US 2001/0029610).

As to claim 1, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

a sink component (e.g., distributed multimedia node 191, or 192; Fig. 2a) adapted to be communicatively coupled between a source component (e.g., home media server 110) and a presentation device (e.g., television 171) for displaying A/V program data (e.g., audio and video program, such as DVD movies, live television broadcast, or recorded television program) and an A/V menu data (e.g., user interface data) stream associated with the source component on the presentation device based on a user request transmitted from the sink component to the source component (e.g., user interface with user selectable content or an EPG; Fig. 15a and 15b) (see paragraph 0041, 0043, 0062, 0064, 0147-0148), the sink component adapted to one of a plurality of communication networks (e.g., home media network 190 could be wire (a 100 Base-T Ethernet) or wireless (IEEE 802.11) network interface) for obtaining the

Art Unit: 2426

A/V program data and the A/V menu data stream from the source component (see paragraph 0059, 0061).

a data manager (e.g., ASIC 210; Fig. 2b) automatically transfer the A/V program data between a memory (e.g., buffer out 890-893, buffer 920-922; Fig. 8c and 9b) and an archival storage system (e.g., mass storage 230; Fig. 2a) based on a relationship of the A/V program data (i.e., when user selects a channel or video playback, the selected video stream are reads from the mass storage device 230 to the output buffer 890 without user's control. In another word, the process is done by the system itself (automatically)) (see paragraph 0043-0045, 0047, 0116-0118).

Farrand discloses real-time streaming and the output buffer reads multimedia data from the mass storage device 230 (see paragraph 0115-0117). Farrand does not explicitly disclose the relationship is a sequential relationship and an earlier of the A/V program data is stored in the memory, and a later of the A/V program data is stored in the archival storage system. It is well known in the television art that a television broadcasting stream is a sequence of data based on time (sequential relationship).

Kanda discloses automatically transfer the A/V program data between a memory (e.g., output buffer 309) and an archival storage system (e.g., hard-disk drive 300) based on a sequential relationship of the A/V program data (i.e., based on time-code), wherein an earlier of the A/V program data is stored in the memory (e.g., buffering (storing) video data in output buffer 309), and a later of the A/V program data (e.g., video data in hard disk drive 300) (i.e., each video

Art Unit: 2426

data (frame) has correspond time code; during a normal video playback, output buffer 309 temporary store video frames based on time code (video data with earlier time code are buffered first, because those data will show before the video data with later time code)) (see paragraph 0266-0271).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time code for recording video data as taught by Kanda to the recording system of Farrand to properly reproduce/playback recorded video.

Farrand discloses the NOC 180 automatically provides related content to a user (see paragraph 0079). Farrand and Kanda do not explicitly disclose the data manager identify the related A/V program data.

Corvin discloses the data manager identify the related A/V program data (e.g., selects promotion related to the recording program when record/playback) (see paragraph 0039, 0044-0053; Fig. 3, 7-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to selectively record promotion as taught by Corvin to the recording system of Farrand as modified by Kanda to effective marketing goods and services by incorporating promotional materials within recorded programs (see paragraph 0004).

As to claim 12, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

means for transmitting (e.g., communication modules 240-245 communicating other devices over network 190; Fig. 2b), via a sink component (e.g., distributed multimedia node 192; Fig. 2a) communicatively coupled between a source component (e.g., home media server 110) and a presentation device (e.g., television 171), A/V program data (e.g., audio and video program, such as DVD movies, live television broadcast, or recorded television program) and an A/V menu data (e.g., user interface data) stream from the source component to the presentation device based on a user request transmitted from the sink component to the source component (e.g., user selects a channel on EPG; Fig. 15a and 15b) (see paragraph 0064, 0147-0148; Fig. 2b);

means (e.g., ASIC) for automatically transferring the A/V program data between a memory (e.g., buffer out 890-893, buffer 920-922; Fig. 8c and 9b) and an archival storage system (e.g., mass storage 230) based on a relationship of the A/V program data (i.e., when user selects a channel or video playback, the selected video stream are reads from the mass storage device 230 to the output buffer 890 without user's control. In another word, the process is done by the system itself (automatically)) (see paragraph 0043-0045, 0047, 0116-0118),

Farrand discloses real-time streaming and the output buffer reads multimedia data from the mass storage device 230 (see paragraph 0115-0117). Farrand does not explicitly disclose the relationship is a sequential relationship and an earlier of the A/V program data is stored in the memory, and a later of the A/V program data is stored in the archival storage system. It is well known in the

Art Unit: 2426

television art that a television broadcasting stream is a sequence of data based on time (sequential relationship).

Kanda discloses automatically transfer the A/V program data between a memory (e.g., output buffer 309) and an archival storage system (e.g., hard-disk drive 300) based on a sequential relationship of the A/V program data (i.e., based on time-code), wherein an earlier of the A/V program data is stored in the memory (e.g., buffering (storing) video data in output buffer 309), and a later of the A/V program data (e.g., video data in hard disk drive 300) (i.e., each video data (frame) has correspond time code; during a normal video playback, output buffer 309 temporary store video frames based on time code (video data with earlier time code are buffered first, because those data will show before the video data with later time code)) (see paragraph 0266-0271).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time code for recording video data as taught by Kanda to the recording system of Farrand to properly reproduce/playback recorded video.

Farrand discloses the NOC 180 automatically provides related content to a user (see paragraph 0079). Farrand and Kanda do not explicitly disclose identify the related A/V program data.

Corvin discloses means for identify the related A/V program data (e.g., selects promotion related to the recording program when record/playback) (see paragraph 0039, 0044-0053; Fig. 3, 7-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to selectively record promotion as taught by Corvin to the recording system of Farrand as modified by Kanda to effective marketing goods and services by incorporating promotional materials within recorded programs (see paragraph 0004).

As to claim 17, this claim differs from claim 12 only in that claim 17 is method whereas claim 12 is apparatus. Thus, claim 17 is analyzed as previously discussed with respect to claim 12 above.

As to claim 3, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register a type of communication network for communicating with the source component (e.g., home media server 110) (i.e., network interface 605 communicates with home media server 110 through network 190, a initiation must make to notify the home media server 110 which communication is used, such as Ethernet or IEEE 802.11) (see paragraph 0061, 0121).

As to claim 4, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register the source component with the sink component (e.g., distributed multimedia node 192) (i.e., network interface 605 communicates with home media server 110 through network 190, a initiation must make to notify the

home media server 110 which communication is used, such as Ethernet or IEEE 802.11) (see paragraph 0061, 0121).

As to claim 5, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 6, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module adapted to register the presentation device with the sink component (i.e., ASIC 620 outputting video and audio signals to different devices, there is an identification (registration) for each device in order for the network to notify it) (see paragraph 0061, 0082).

As to claim 9, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user on the presentation device a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 10, Farrand discloses the system of claim 1, wherein the sink component is adapted to decode the A/V program data for presentation on the presentation device (e.g., MPEG-2 decoder 630 decodes data from home media server 110) (see paragraph 0061).

As to claim 11, Farrand discloses the system of claim 1, wherein the sink component is adapted to display to the user via the presentation device a menu interface associated with the source component (e.g., the data from TV broadcasting or mass storage device) (see paragraph 0064).

As to claims 15 and 21, they contain the limitations of claim 3 and are analyzed as previously discussed with respect to claim 3 above.

As to claim 16, it contains the limitations of claim 4 and is analyzed as previously discussed with respect to claim 4 above.

As to claim 22, Farrand discloses the method of Claim 17, further comprising filtering a listing of the A/V program data available from the source component based on a format of the A/V program data (e.g., audio file, video file; Fig. 13) (see paragraph 0064, 0141).

As to claim 23, Farrand discloses the method of Claim 17, further comprising filtering a listing of the A/V program data available from the source component based on a type of the presentation device (e.g., audio file or video file play to local TV only; Fig. 13) (see paragraph 0064, 0141).

As to claim 24, it contains the limitations of claim 10 and is analyzed as previously discussed with respect to claim 10 above.

As to claim 25, it contains the limitations of claim 11 and is analyzed as previously discussed with respect to claim 11 above.

As to claim 34, Kanda discloses the system of Claim 1, wherein the sequential relationship of the A/V program data is based on a recordation time or receipt time of the A/V program data (e.g., recording video based on time-code) (see paragraph 0266-0271). Corvin discloses the data manager identify the related A/V program data (e.g., selects promotion related to the recording program when record/playback) (see paragraph 0039, 0044-0053; Fig. 3, 7-11).

As to claim 35, Farrand discloses the system of Claim 1, wherein the sequential relationship of the A/V program data is based on a presentation time of the A/V program data to a user (e.g., playback based on time-code) (see paragraph 0266-0271). Corvin discloses the data manager identify the related A/V program data (e.g., selects promotion related to the recording program when record/playback) (see paragraph 0039, 0044-0053; Fig. 3, 7-11).

As to claim 36, Kanda discloses the system of Claim 1, wherein, upon presentation of the A/V program data to a user, the data manager is adapted to extract next sequential A/V program data from the archival storage system and store the next sequential A/V program data in the memory (i.e., each video data (frame) has correspond time code; during a normal video playback, output buffer

Art Unit: 2426

309 temporary store video frames based on time code (output buffer outputs video data with earlier time code to display and subsequently buffers video data with later time code)) (see paragraph 0266-0271).

As to claims 37-39, they contain the limitations of claims 34-36 and are analyzed as previously discussed with respect to claims 34-36 above.

5. Claims 2, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (Pub # US 20030193619) in view of Kanda (Pub # US 2001/0041049), further in view of Corvin et al. (Pub # US 2001/0029610), further in view of Margulis (Patent # US 6263503), and further in view of Liebenow (Patent # US 6131136).

As to claim 2, Farrand discloses sink component (e.g., distributed multimedia node 192; Fig. 2a).

Farrand fails to disclose select the available types of communication networks based on a type of the source component.

Margulis discloses select the available types of communication networks based on a type of the source component (e.g., using coax for television, using USB 632 to communicate with a personal computer, using control bus 634 to communicate HAVI compatible devices, using WAN 658 to access digital A/V data from internet; base station transmits these data to a remote display) (see col. 9, line 35-col. 10, line 57; Fig. 1, 5, 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the network based on source as taught by Margulis to the home network system of Farrand in order to effectively and efficiently implements a flexible wireless television system that utilizes various heterogeneous components to facilitate optimal system interoperability and functionality (see col. 3, lines 11-16).

Farrand and Margulis fail to specifically disclose automatically select a communication network.

Liebenow discloses automatically selecting a communication networks (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Farrand as modified by Margulis because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 14, Farrand discloses the system of claim 12, further comprising means for automatically selecting (e.g., ASIC 620) at least one of a plurality of different types of communication networks for communicating between the sink component and the source component (e.g., selects RF or Ethernet as the network interface) (see paragraph 0057, 0059-0062, 0121, 0122)

Liebenow discloses based on a type of the source component or a type of the A/V program data (e.g., wire or wireless network) (see abstract).

As to claim 19, it contains the limitations of claim 2 and is analyzed as previously discussed with respect to claim 2 above.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (Pub # US 20030193619) in view of Kanda (Pub # US 2001/0041049).

As to claim 26, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

a sink component (e.g., multimedia node 191, 192; Fig. 2a; Fig. 6) configured to be communicatively coupled between a plurality of source components (e.g., media server 110 or other devices on the network) and a presentation device (e.g., TV 171) for displaying an aggregated listing of available A/V program data associated with the plurality of source components on the presentation device such that the location of the A/V program data remains transparent to the user (e.g., user interface with user selectable content or an EPG; Fig. 15a and 15b) (see paragraph 0041, 0043, 0062, 0064, 0147-0148).

a data manager (e.g., ASIC) adapted to automatically transfer the available A/V program data between a memory (e.g., memory 201) and an archival storage system (e.g., mass storage 230) based on a relationship of the available A/V program data (i.e., when user selects a channel or video playback, the selected video stream are reads from the mass storage device 230 to the

Art Unit: 2426

output buffer 890 without user's control. In another word, the process is done by the system itself (automatically)) (see paragraph 0043-0045, 0047, 0116-0118).

Farrand discloses real-time streaming and the output buffer reads multimedia data from the mass storage device 230 (see paragraph 0115-0117). Farrand does not explicitly disclose the relationship is a sequential relationship and wherein earlier A/V program data is stored in the memory and later A/V program data is stored in the archival storage system. It is well known in the television art that a television broadcasting stream is a sequence of data based on time (sequential relationship).

Kanda discloses automatically transfer the A/V program data between a memory (e.g., output buffer 309) and an archival storage system (e.g., hard-disk drive 300) based on a sequential relationship of the available A/V program data (i.e., based on time-code), wherein earlier A/V program data is stored in the memory (e.g., buffering (storing) video data in output buffer 309), and later A/V program data is stored in the archival storage system (e.g., video data in hard disk drive 300) (i.e., each video data (frame) has correspond time code; during a normal video playback, output buffer 309 temporary store video frames based on time code (video data with earlier time code are buffered first, because those data will show before the video data with later time code)) (see paragraph 0266-0271).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time code for recording video data as taught by

Art Unit: 2426

Kanda to the recording system of Farrand to properly reproduce/playback recorded video.

7. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (Pub # US 20030193619) in view of Kanda (Pub # US 2001/0041049), further in view of Liebenow (Patent # US 6131136).

As to claim 27, note the discussion above, Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a signal condition on the first type of communication network (e.g., device outside of wireless RF transmission range) (see paragraph 0058-0061). Farrand does not specifically disclose automatically switch communication networks.

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Farrand as modified by Kanda because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 28, Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a change in the AV program data being transmitted from the source component (e.g., switch to wire connection if transmitting data to a large bandwidth require device) (see paragraph 0058-0061).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

Response to Arguments

8. Applicant's arguments with respect to claims 1-6, 9-12, 14-17, 19, 21-28 and 34-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kou et al. (Pub # US 2002/0078293 A1).

Demas et al. (Patent # US 7174085).

Dureau et al. (Pub # US 2003/0093806).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/808,136

Page 19

Art Unit: 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 18, 2010